



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 14, 2014

Summary of Cases Accepted and Related Actions for Week of March 10, 2014

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#14-28 *People v. Cook, S215927*. (E054307; 222 Cal.App.4th 1; Riverside County Superior Court; SWF10000834.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: Does Penal Code section 12022.7, subdivision (g), which provides that the great bodily injury enhancement of this section “shall not apply to murder or manslaughter . . .,” allow an enhancement on a manslaughter conviction for the great bodily injury inflicted on another victim who was the subject of a separate manslaughter conviction?

#14-29 *Kilby v. CVS Pharmacy, Inc./Henderson v. JPMorgan Chase Bank NA, S215614*. (9th Cir. Nos. 12-56130, 13-56095; 739 F.3d 1192, Southern District of California, 3:09-cv-02051-MMA-KSC; Central District of California, 2:11-cv-03428-PSG-PLA.) Request under California Rules of Court, rule 8.548, that this court decide questions of California law presented in consolidated appeals pending in the United States Court of Appeals for the Ninth Circuit. The questions presented are: For purposes of IWC Wage Order 4-2001 § 14(A) and IWC Wage Order 7-2001 § 14(A), “(1) Does the phrase ‘nature of the work’ refer to an individual task or duty that an employee performs during the course of his or her workday, or should courts construe ‘nature of the work’ holistically and evaluate the entire range of an employee’s duties? (a) If the courts should construe ‘nature of the work’ holistically, should the courts consider the entire range of an employee’s duties if more than half of an employee’s time is spent performing tasks that reasonably allow the use of a seat? (2) When determining whether the nature of the work ‘reasonably permits’ the use of a seat, should courts consider any or all of the following: the employer’s business judgment as to whether the employee

should stand, the physical layout of the workplace, or the physical characteristics of the employee? (3) If an employer has not provided any seat, does a plaintiff need to prove what would constitute ‘suitable seats’ to show the employer has violated Section 14(A)?”

#14-30 *In re Mark R., S216031.* (B244602; nonpublished opinion; Los Angeles County Superior Court; MJ20717.) Petition for review after the Court of Appeal affirmed in part and reversed in part orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *Luis M. v. Superior Court*, S207314 (#13-19), which presents the following issue: Could the restitution order in this case of felony vandalism for acts of graffiti be based on the victim city’s average cost of removing, cleaning, and repairing incidents of graffiti on an annual basis, or was proof of the actual costs of mitigating the graffiti at issue in this case required?

#14-31 *In re Murray, S216198.* (B253237; nonpublished opinion; Los Angeles County Superior Court; KA074614.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Gutierrez*, S206365 (#13-01), and *People v. Moffett*, S206771 (#13-03), which present issues concerning the sentencing of juvenile offenders under Penal Code section 190.5, subdivision(b), in light of *Miller v. Alabama* (2012) 567 U.S. __ [132 S.Ct. 2455].

DISPOSITIONS

The following case was transferred for reconsideration in light of *Daimler AG v. Bauman* (2014) __ U.S. __ [134 S.Ct. 746]:

#13-64 *Daimler AG v. Superior Court, S210847.*

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The Supreme Court of California is the state’s highest court and its decisions are binding on all other California state courts. The court’s primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.